

United States Senate

WASHINGTON, DC 20510

November 13, 2002

The Honorable Don Evans
Secretary
U.S. Department of Commerce
Fourteenth and Constitution Avenues, NW
Washington, DC 20230
E-mail: millennium.comments@noaa.gov

Dear Secretary Evans:

I am submitting the following comments concerning the appeal of the New York Department of State consistency determination by the Millennium Pipeline Company.

First, I appreciate the agency's decision to hold a public hearing today in Westchester County, something which I had written and asked you to consider on June 11, 2002, four days after Millennium filed its appeal. Many other officials from Westchester and New York State also requested such a local forum for the public to speak. This is one indication of the tremendously high level of public interest and concern about the Millennium Pipeline project, and how important it is for a federal agency to hear local input first-hand, rather than make decisions in Washington solely from written documents submitted in the case.

As I stated in my June 11th letter, I urge you to weigh very carefully the concerns that have been expressed by local officials and residents, by the state of New York, the City of New York, the Town of Cortlandt, and the Villages of Croton-on-Hudson and Briarcliff Manor with regard to the proposed Millennium Pipeline route and its impacts. A number of serious issues pertinent to Coastal Zone Management (CZM) consistency have been raised; they deserve exhaustive and expert evaluation by the Department of Commerce before a final decision is made on the appeal. The Federal Energy Regulatory Commission (FERC) has already certificated the proposed route, subject to remaining approvals, including CZM consistency. Therefore, your review is one of the last opportunities to redress any critical problems with the project.

The New York Department of State (NYDOS) determined that the project is not consistent with the New York Coastal Zone Management Program under the Federal Coastal Zone Management Act (CZMA) for three reasons: serious, long-term damage to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, particularly from blasting and dredging during construction; the proximity of the proposed route to the Bryn Mawr Siphon of the Catskill Aqueduct, a critical piece of drinking water infrastructure for nine million New Yorkers; and the potential impacts

from the pipeline's route through the well field that is the primary domestic water supply for the Village of Croton-on-Hudson.

You will be considering whether or not, under the provisions of the CZMA, there are strong reasons to overturn the NYSDOS consistency finding, in light of security and other national interests, the aims of the CZMA, and the existence of better alternatives.

Tremendous effort has gone into siting the pipeline east of Rockland County. During the more than four years that the Millennium Pipeline has been under development, a number of routes for this portion of the pipeline were explored by the developer and by FERC. FERC, in its Environmental Impact Statement (EIS) process, reviewed many alternatives before certifying the proposed route. The Millennium Pipeline Company worked with land owners and elected officials in certain communities, such as Mount Vernon, to alter its proposed route to accommodate local concerns and mitigate unwanted impacts. Local officials and citizens have spent a great deal of time, and in some cases, money, to find alternatives, including those advocated in the brief filed with your agency by the Village of Croton-on-Hudson. The NYDOS, in its brief, identifies alternatives which it suggests should be examined or re-examined.

There are also issues that were not cited in the NYDOS consistency determination that remain of concern to residents in Westchester, such as the proximity of the proposed pipeline route to the Briarcliff Manor schools. During the FERC EIS process, I opposed the siting of the pipeline so close to Todd School. Since that route was certified by FERC, I have asked that Millennium work with the community to move the route as far as possible from the schools.

I believe New York needs more energy supplies for its long-term growth, and I also believe that the siting of energy facilities, such as the Millennium natural gas pipeline, must be done in a way that is as community-friendly as possible and that does not cause irreversible harm to the environment or unacceptable risks to health or safety.

In a situation such as the siting of this natural gas pipeline, where serious and valid concerns have been expressed by all the parties, it is the role of the federal government, and especially federal agencies with expertise in the issues under consideration, to help arrive at a solution that addresses the needs and concerns of all those who will be affected by the decision. Accordingly, it is my hope that through its ruling, the Department of Commerce will be able to bring about such a resolution.

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The approval process for major new energy projects is a lengthy one, involving many federal and state agencies as well as extensive public input. The goal of the entire process is to uphold the public interest -- ensuring long-term energy sufficiency and protecting vital national interests while safeguarding the environment and local communities. I urge you to take into account all the information presented by all parties in making your final judgment.

Sincerely,

A handwritten signature in black ink that reads "Charles Schumer". The signature is written in a cursive, flowing style with a large initial "C".

Charles E. Schumer
U.S. Senator



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**Statement of State Senator Suzi Oppenheimer, November 13,
2002, Statement regarding appeal of the NYS Department of
State coastal zone management consistency review determination
on the Millennium Pipeline project to the Secretary Commerce.**

Thank you for this opportunity to provide information to the Secretary of Commerce regarding the NYS Department of State coastal zone management consistency review under the federal Coastal Zone Management Act for the Millennium Pipeline project. I appreciate the opportunity to comment.

As with all major projects there is a need to balance the benefits of worthwhile initiatives with their impacts. The issue before us today is the environmental and public health impacts of specific portions of the route currently preferred by the Federal Energy Regulatory Commission.

Our NYS Department of State Division Of Coastal Resources is one of the most respected Coastal Resource agencies in the nation. They have provided a comprehensive review of the project that isolates the key areas that have not been adequately addressed or mitigated in the Millennium proposal. The state consistency review document clearly identifies alternatives that would allow this project to go forward without crossing at Haverstraw Bay, the Village of Croton-on-Hudson, or implicate sensitive areas of our New York City water supply system. These alternatives should be pursued. The Secretary of Commerce should support, not override, the consistency review determination of the Department of State.

The consistency review determination specifically finds:

- That the proposed routing of the pipeline poses significant risks to the New York City water supply system that have not been adequately addressed by Millennium, inconsistent with NYS and Local Coastal Policies.
- That the proposed blasting, dredging and backfilling would adversely affect Haverstraw Bay, a NYS Significant Coastal Fish and Wildlife Habitat, inconsistent with NYS and Local Coastal Policies.
- That the dredging method proposed would result in immediate physical destruction and direct loss of habitat in Haverstraw Bay, a NYS Significant Coastal Fish and Wildlife Habitat, inconsistent with NYS and Local Coastal Policies.
- The Department of State, in assessing alternatives, gave great weight to the fact the the area impacted has not been dredged or similarly disturbed before.
- That the duty to avoid and minimize wetland impacts was not satisfied in the plan, inconsistent with Local Coastal Policies.

The Department of State offered alternative crossing routes that would allow this project to proceed in a manner consistent with important state and local policies. Use of existing pipeline routes, existing delivery systems, or routes outside of a NYS Significant Coastal Fish and Wildlife Habitat area should be selected.

We face important needs for increased energy supply in the future. Those needs can be addressed through the selection of a route that does not cause the impacts described by the Department of State. Millennium has gone to great lengths to address local siting concerns throughout the design of this project. I urge Millennium and FERC to move quickly to address the issues described here with an alternate solution. I urge the Secretary of Commerce to support the detailed consistency determination by the NYS Department of State.

Thank you for this opportunity to comment.

ELIOT L. ENGEL
17TH DISTRICT, NEW YORK

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REMARKS ON THE PROPOSED MILLENNIUM PIPELINE
By CONGRESSMAN ELIOT ENGEL
National Oceanic and Atmospheric Administration Hearing
November 13, 2002
Tarrytown, N.Y.

Good day. I am speaking today to urge the Federal Department of Commerce to abide by New York State's determination of May 9, 2002 that the proposed route for the Millennium Pipeline is inconsistent with the policies of the State's Coastal Management Program. I urge you to block the dredging of the river at Haverstraw Bay.

The decision of New York State is based on sound environmental policy and good science. I am concerned, as we all should all be, with the environmental impact that the pipeline crossing would have on the local environment, the community's drinking water, and community development, and most of all the safety of the people in the area.

I am concerned that dredging the 2.1 miles of the Hudson River would disrupt fish and other wildlife in the bay. As a fish estuary, Haverstraw Bay is one of the most biologically diverse sections of the river, a nursery as it were, for important North Atlantic fish and should be preserved and protected, not disrupted for the laying of a pipeline.

Secondly, the proposed location of the pipeline endangers the drinking water supply of New York City and Westchester. As proposed, the pipeline would be within two feet of the water conduits at a location called the Bryn Mawr Siphon. Here, 40 per cent of New York City's water, with a higher percentage for Westchester, is diverted through pipes to continue its flow, making the Millennium pipeline an inherent security risk.

The pipeline is also planned to go through sensitive watershed land near the Croton Reservoir. Since New York City water is unfiltered and residents rely on watershed protection efforts to purify water, this land should be left untrammelled.

The proposed pipeline would also run adjacent to Con Edison electricity lines for more than seven miles, lines which supply 40 per cent of the City's electricity. Here too, accident or terrorism could dramatically disrupt and endanger the City and the suburbs.

Less dramatic but important locally is the revitalization of local waterfronts which would be impaired, harming local economic development efforts in Haverstraw and Croton-on-Hudson.

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I am concerned about the need for energy supply in the New York Metropolitan area, but this development should not come at the expense of the safety of the people of this area, the biodiversity of the Hudson River, or the degradation of the environment.

There are, in fact, 10 other proposals to supply natural gas to the Metropolitan area.

These are some of the many reasons why the Millennium Pipeline should not be allowed to cross the Hudson at Haverstraw. I have given some of the most important. And because of them I urge you to support the New York Department of State's decision to block dredging at Haverstraw Bay.



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C. SCOTT VANDERHOEF
County Executive

November 12, 2002

Mr. Karl Gleaves
Office of the Assistant General Counsel for Ocean Services
National Oceanic and Atmospheric Administration
United States Department of Commerce
1305 East-West Highway
Silver Springs, Md. 20910

Dear Mr. Gleaves:

As Rockland County Executive, I hereby enter into record the County of Rockland's strong opposition to the Millennium Pipeline route alternatives relating to Rockland County as suggested by the New York Department of State (DOS).

The Rockland County portion of the Millennium Pipeline was constructed in 2001 by Mirant Energy and is currently in service supplying natural gas to the Bowline Energy Facility. Working with Rockland officials, the pipeline was placed along existing utility corridors to minimize the impact to residents. This segment of the pipeline will be utilized by Columbia Gas as part of the Millennium Pipeline.

The Federal Energy Regulatory Commission has certified the proposed route after four years of exhaustive environmental study. The United States Department of Environmental Protection Agency and the New York State Department of Environmental Conservation have determined that the certificated crossing of the Hudson River at Haverstraw Bay is acceptable.

An analysis of the route alternatives, as recommended by the Department of State, will have permanent significant and adverse effects on the natural and human environment. The following impacts will occur:

Option #1 - Palisades-Dobbs Ferry Route

This NY DOS preferred option would include locating the pipeline in the wooded buffer parallel to the Palisades Interstate Parkway (PIP) originating in the Village of Pomona for approximately 10 miles, crossing Tallman State Park and entering the Piermont Marsh.

Impact to the Palisades Interstate Parkway

- ✓ The Palisades Interstate Parkway is designated a National Historic Landmark and a scenic byway by the New York State Department of Environmental Conservation. The environmental impact to the PIP would be devastating and change forever the scenic beauty of this parkway.
- ✓ The removal of the wooded buffer along the 10-mile portion of the PIP will directly effect the quality of life for several hundred residents whose properties border the parkway. The wooded buffer serves as an essential noise, visual and air pollution abatement barrier to the heavily traveled road.
- ✓ Construction activities adjacent to the PIP will directly impact thousands of motorists who commute on this heavily populated roadway.
- ✓ Heavy equipment necessary for construction of the Pipeline would significantly damage the newly constructed roadway and drainage systems.

Impact to Tallman Mountain State Park and Piermont Marsh

- ✓ Tallman Mountain State Park will be significantly impacted due to the removal of thousands of mature trees, construction on steep slopes and crossing of small streams.
- ✓ A number of plants in the Park and Marsh are listed as rare, endangered, or of special concern.
- ✓ The Park is listed on the State Register of Historic Places.
- ✓ The Piermont Marsh has been designated a Significant Coastal Fish and Wildlife Habitat under the New York State Coastal Management Program. The same designation as Haverstraw Bay.
- ✓ In 1985 the Village of Piermont designated the Marsh as a Critical Environmental Area, pursuant to NYS Environmental Conservation Law (ECL Article 8).
- ✓ The Park and Marsh are listed in the Hudson River National Estuarine Research Reserve.
- ✓ The Park and Marsh are included in the Tappan Zee Scenic District (ECL Article 49).
- ✓ A number of plant and animal species found in the Marsh are federally classified as rare, endangered, or of special concern.
- ✓ The Park and Marsh are state-owned lands within the Piermont Marsh Reserve and are under the jurisdiction of three state agencies.
- ✓ The "lay-barge" technique proposed for Haverstraw Bay may not be usable at this location. This could cause significant environmental disruption to Piermont Marsh and the Hudson River.
- ✓ Significant blasting and excavating would occur in the State Park.

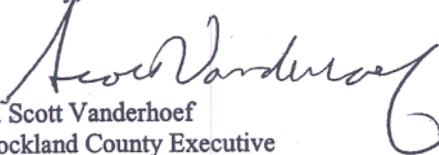
Other Options - The Palisades / CSX Railroad / Route 117 Alternative

These pipeline options would be constructed along the PIP or the CSX railroad corridor crossing the Hudson River at Hook Mountain State Park.

- ✓ The impact to the PIP and CSX would be the same as listed in alternative Option 1.
- ✓ The pipeline would be placed along Route 303 and residents bordering these highways effecting hundreds of residents and businesses.
- ✓ Significant safety issues would arise from the placement of the pipeline along this route.
- ✓ The pipeline would have to be constructed along steep slopes and mountainous terrain.
- ✓ Hook Mountain State Park and Rockland Lake State Park both listed as National Historic Landmarks, would be adversely effected by construction of the pipeline.
- ✓ The rock outcroppings along the Hook Mountain Bike Trail would be removed.
- ✓ Significant blasting and excavating would occur in these two State Parks.

In conclusion, the alternative routes as suggested by the NYS Department of State will have a devastating long-term permanent effect on Rockland County. For the reasons outlined previously, the County of Rockland will take whatever measures necessary to oppose these alternatives.

Sincerely,


C. Scott Vanderhoef
Rockland County Executive

CC: Hon. Thomas Kliener, Orangetown Supervisor
Hon. Charles Holbrook, Clarkstown Supervisor
Hon. Chris St. Lawrence, Ramapo Supervisor
All Rockland County Legislators

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11/13/02

Congresswoman Nita Lowey, 18th District

**Statement for the Department of Commerce Millennium Pipeline Hearing
Tarrytown, NY**

- Let me begin by thanking the Department of Commerce for agreeing to hold this hearing. This is a critical issue to tens of thousands of Westchester and Rockland residents and I appreciate your being here today to hear our concerns.
- Let me also recognize the hard work of the citizens who have done so much to raise public awareness about this issue. It's been an extraordinary example of grass-roots activism. As I have repeatedly stated, I believe that we must carefully address legitimate concerns before taking action.
- It's imperative that any project, especially one that enters an area as densely populated and ecologically valuable as Westchester, be safe and completely respectful of the environment. We must protect the quality of life in our communities, as we provide residents with a sustainable and reliable source of power.
- As Assistant Secretary of State for the State of New York, I worked very hard on the Coastal Zone Management Act; therefore, I believe it's crucial that the DOC closely consider the environmental and public health concerns outlined in the New York Department of State's inconsistency determination. The issues that concern me most are:
 - The effects of dredging and blasting on Haverstraw Bay, an undisturbed portion of the Hudson River. The Bay has been designated as a critical environmental area and should be protected.
 - Clear-cutting of forests along the New Croton Reservoir, necessary to create space for the new pipeline, could raise phosphorus levels above the DEC/EPA maximum.

• The CZMA regulates activities harmful to the coastal zone that, nevertheless, occur beyond its perimeter. Pipeline construction, within two feet of the Bryn Mawr Siphon, which supplies 40% of New York City's water, could rupture the structure, devastating important parts of the coastal zone.

For these reasons, I urge DOC to address the Coastal Zone Management Act inconsistencies and to weigh carefully the concerns voiced today in its final decision. My constituents' objections to the current Millennium Pipeline route are based on many factors including the route's proximity to Todd Elementary School in Briarcliff Manor, the hazards which pipeline construction could cause during an Indian Point evacuation, the potential damage drilling would have on Consolidated Edison transmission lines and the absence of proof that this project is absolutely necessary.

I will be monitoring the progress of this issue very closely in the coming weeks and months to ensure that citizens' requests and opinions receive appropriate attention.